

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

RICKY M. BURAS, SR.

PLAINTIFF

v.

CAUSE NO. 1:21CV188-LG-RPM

MORRIS BART LAW FIRM LTD

DEFENDANT

ORDER GRANTING MOTION TO DISMISS

BEFORE THE COURT is the [10] Motion to Dismiss filed by the defendant Morris Bart Law Firm, LTD.¹ The plaintiff did not file a response in opposition to the Motion. After reviewing the Motion, the record in this matter, and the applicable law, the Court finds that this lawsuit should be dismissed for lack of jurisdiction.

BACKGROUND

In his Complaint, Buras, a pro se plaintiff, attempts to assert a claim for misrepresentation against the Morris Bart law firm, which represented him in a previous lawsuit. He alleges that Morris Bart paid a doctor \$3,000 for a deposition that was never taken. In subsequent filings submitted to the Court, Buras claims that these funds were deducted from the proceeds of a \$24,000 settlement he received. He has also alleged that his attorney at the Morris Bart firm dissuaded him from accepting a \$21,000 settlement prior to the filing of his lawsuit. After the lawsuit was filed, Buras claims that this same attorney advised him to accept the

¹ The defendant asserts that its correct name is Morris Bart and Associates, a Professional Law Corporation.

\$24,000 settlement during a settlement conference because the attorney felt that the venue was not favorable to plaintiffs. Buras claims that this advice caused him to have to pay a higher percentage of attorney's fees, and he incurred other additional expenses as a result of the attorney's advice to file the lawsuit.

Buras claims that this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332. He seeks "\$75,000 dollars [sic] with interest until jurisdictional demand is met." (Compl. at 4, ECF No. 1). Morris Bart filed a Motion to Dismiss based on several grounds including lack of jurisdiction.

DISCUSSION

Federal diversity jurisdiction exists "where the matter in controversy ***exceeds*** the sum or value of \$75,000.00 exclusive of interest and costs, and is between . . . citizens of different States." 28 U.S.C. § 1332(a) (emphasis added). "Interest is only considered for jurisdictional purposes where it is a basis for the suit itself." *Danial v. Daniels*, 162 F. App'x 288, 290 (5th Cir. 2006) (citing *Brown v. Webster*, 156 U.S. 328, 329-30 (1895); *Greene Cnty. v. Kortrecht*, 81 F. 241 (5th Cir. 1897)).

Buras's request for interest is not a part of his principal demand but is an "accessory" to his demand for damages. *See Brown*, 156 U.S. at 329-30; *see also Miss. Veterans Home Purchase Bd. v. State Farm Fire & Cas. Co.*, 492 F. Supp. 2d 579, 585 (S.D. Miss. 2007). Therefore, his request for interest cannot be included when calculating the amount in controversy. Based on the plain language of Buras's Complaint, the amount in controversy is exactly equal to \$75,000. Since his

demand does not exceed \$75,000, this Court does not have jurisdiction over Buras's claims. *See* 28 U.S.C. § 1332(a). This lawsuit must be dismissed for lack of jurisdiction. It is not necessary for the Court to consider Morris Bart's additional arguments.

IT IS THEREFORE ORDERED AND ADJUDGED that the [10] Motion to Dismiss filed by the defendant Morris Bart Law Firm, LTD, is **GRANTED**. This lawsuit is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

SO ORDERED AND ADJUDGED this the 2nd day of December, 2021.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE